

House Study Bill 43 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

- 1 An Act relating to the nomination and qualifications of
- 2 district judges.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.14, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. Each judicial nominating commission shall carefully
4 consider the individuals available for judge, and within sixty
5 days after receiving notice of a vacancy shall certify to the
6 governor and the chief justice the proper number of nominees,
7 in alphabetical order. Such nominees shall be chosen by the
8 affirmative vote of a majority of the full statutory number
9 of commissioners upon the basis of their qualifications and
10 without regard to political affiliation. Nominees shall be
11 members of the bar of Iowa, shall be residents of the state ~~or~~
12 ~~district of the court to which they are nominated,~~ and shall
13 be of such age that they will be able to serve an initial and
14 one regular term of office to which they are nominated before
15 reaching the age of seventy-two years. ~~Nominees for district~~
16 ~~judge shall file a certified application form, to be provided~~
17 ~~by the supreme court, with the chairperson of the district~~
18 ~~judicial nominating commission.~~ Absence of a commissioner or
19 vacancy upon the commission shall not invalidate a nomination.
20 The chairperson of the commission shall promptly certify the
21 names of the nominees, in alphabetical order, to the governor
22 and the chief justice.

23 Sec. 2. Section 46.14, Code 2015, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 1A. An applicant for district judge shall
26 file a certified application form, to be provided by the
27 supreme court, with the chairperson of the district judicial
28 nominating commission.

29 Sec. 3. NEW SECTION. **46.15A District judges — residence**
30 **requirement.**

31 A district judge appointee shall be a resident of the
32 judicial district before assuming office or, if the judicial
33 district is divided into judicial election districts, the
34 appointee shall be a resident of the judicial election district
35 to which the appointment is made before commencing judicial

1 duties.

2 Sec. 4. Section 602.6201, subsection 2, Code 2015, is
3 amended to read as follows:

4 2. A district judge must be a resident of the judicial
5 election district ~~in~~ to which appointed and retained. Subject
6 to the provision for reassignment of judges under section
7 602.6108, a district judge shall serve in the district of the
8 judge's residence while in office, regardless of the number of
9 judgeships to which the district is entitled under the formula
10 prescribed by the supreme court in subsection 3.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the nomination and qualifications of
15 district judges.

16 The bill separates the nomination process and qualifications
17 of a district judge from the nomination process and
18 qualifications of an appeals court judge or supreme court
19 justice and creates new Code subsection 46.14(1A) for the
20 district judge application and nomination process.

21 The bill also specifies that a district judge appointee
22 shall be a resident of the judicial district to which the
23 appointment is made before assuming office. If the judicial
24 district is divided into judicial election districts, the
25 bill specifies that the appointee shall be a resident of the
26 judicial election district to which the appointment is made
27 before commencing judicial duties.

28 The bill makes a conforming amendment to Code section
29 602.6201.